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The facts in the case do not show clearly whether an enforceable trust in favor of X was established. A trust can certainly be created by a gratuitous declaration similar to the one in the present case, and when once created is irrevocable. *Martin v. Funk*, 75 N. Y. 134; *Fellow's Appeal*, 93 Pa. St. 470. If, however, the declaration of trust was merely for the purpose of evading some by-law of the bank and no trust was actually intended, equity will not enforce it, and will permit a revocation. *Brabrook v. Boston Bank*, 104 Mass. 228; *Markey v. Markey*, 73 N. Y. Supp. 925. Extrinsic evidence is admissible in such cases to explain the true character of the transaction. *Cunningham v. Davenport*, 147 N. Y. 43. No evidence appears to have been offered in explanation in the present case, however, and, from the meagre facts given, it appears that an irrevocable trust had been established, and that the first *cestui que trust*, X, having the prior equity, should have been allowed to recover.

## REVIEWS.

THE JURISDICTION OF FEDERAL COURTS AS LIMITED BY THE CITIZENSHIP AND RESIDENCE OF THE PARTIES. By Howard M. Carter of the Chicago Bar. Boston: Little, Brown & Co. 1899. pp. xxviii, 303.

The plan of making a book on a narrow subject, one which usually forms a chapter or two of a book, instead of a whole book, has much to commend it. A thoroughness and care of treatment is possible, which is hardly attainable in a large field; and the book before us contains certainly the most complete and useful discussion in print on the topic with which it deals. Nevertheless, it is not so good a book as it should be. It seems unduly expanded in the way of quotations for nearly, if not quite, 100 of the 247 pages which constitute the body of the work are made up of such material; yet in spite of this elaboration the real defect is lack of thoroughness. It is not too much to ask of the author of a book covering so small a field, in which, moreover, all the authorities are contained in the reports of the Federal Courts, that his work shall be absolutely exhaustive, not simply in the treatment of principles, but in the citation of cases. Mr. Carter's work does not come up to this standard. Not only are the citations from the Federal Reporter not exhaustive, but important recent decisions of the Supreme Court are omitted. *Barrows S. S. Co. v. Kane*, 170 U. S. 100, on the right to sue an alien in any District, *St. Joseph & G. I. R. R. Co. v. Steele*, 167 U. S. 659, in regard to the citizenship of a corporation chartered by several states, *Mexican Nat. R. R. Co. v. Davidson*, 157 U. S. 201, on what is a chose in action within the meaning of the statutes governing the jurisdiction of the United States courts, are each the latest decision on an important point dealt with by this book, yet not one of these cases is cited. On page 169 there is something more than an error of omission. It is stated that the appointment by a foreign corporation in compliance with a statute of an agent authorized to receive service of process is not a waiver of its right to insist on being sued in the State of its incorporation. For this statement a case of half a page in the Federal Reporter is cited. But the contrary has been decided in other Circuits in at least three cases not cited either in that case or by Mr. Carter. *Consolidated Store Service Co. v. Lamson Consolidated Store Service Co.*, 41 Fed. Rep. 833; *Gilbert v. New Zealand Ins. Co.*, 49 Fed. Rep. 884; *Youmans v. Minn. Title Ins. & Trust Co.*, 67 Fed. Rep. 282. It seems very possible that a difference in the wording of different statutes might cause the same judge to make varying decisions as to whether such an appointment operated as a waiver.

S. W.